

First exploratory descriptive study on adherence to and compliance with the Portuguese smoke-free law in the leisure-hospitality sector

The 'smoke-free law' in Portugal was introduced on 1 January 2008,¹ with the aim of making virtually all enclosed public places and workplaces smoke-free. However, this law could potentially be ineffective in creating smoke-free environments, particularly in the leisure-hospitality sector, since it permits the creation of identified smoking areas. These have to be separated from non-smoking areas by physical barriers or have separate ventilation systems which are (supposedly) able to prevent smoke

spreading to adjacent areas. In either case, the removal of exhaust air to the outside has to be guaranteed, in order to (allegedly) protect workers and non-smokers from the effects of secondhand smoke (SHS) exposure. But previous scientific research has shown that these two alternatives are ineffective in eliminating non-smokers' exposure to SHS in adjacent areas or in protecting the health of the workers required to work in them.² Moreover, they may intensify smokers' exposure to SHS and fail to contribute either to reducing smoking initiation or to making it easier for smokers to cut down or quit.^{3,4}

From February to April 2008, an exploratory descriptive study was carried out in four Portuguese cities to investigate adherence to and compliance with the new legislation in the leisure-hospitality sector. This assessed owners', customers' and workers' attitudes towards the 'options' provided by the new law (smoking banned, smoking permitted, smoking areas), and their compliance with the legislation's requirements. Every establishment among the 30 randomly selected in each city was visited once during their potential busiest period, and observations made on the 'no smoking'/'smoking' signs; their conformity with the regulations; the existence of designated smoking areas; evidence of smoking; and the existence and operating situation (on/off) of ventilation/exhaust systems.

Adherence to the smoke-free law was assessed on the rating of the observed establishments on one of the three possible options. Compliance with the law was determined through 'indicators of accomplishment' associated with each of these options and calculated by the contributions (positive=1/negative=0) of the observed aspects.

As shown in figure 1 the study findings demonstrate a very high (71%) and unanticipated adherence to the smoking ban option. Considering that a total ban is the only effective way to create totally smoke-free environments, the study gives a clear indication of the ample support for effective smoke-free legislation from the leisure-hospitality sector. In addition, such broad acceptance calls for the need to raise awareness among decision-makers to enforce fully effective smoke-free environments.

As has been previously reported,⁵ the study also showed, only for the establishments that prohibited smoking, that 90% or more do not present evidence of potential non-accomplishment (compared with around 50% for smoking permitted or smoking areas), meaning that compliance with the law is much more fully achieved with this option. This suggests that the legislation on the alleged 'alternatives' is neither clear nor simple to interpret, and that allowing smoking is likely to be significantly more challenging for businesses to implement, with the potential problems associ-

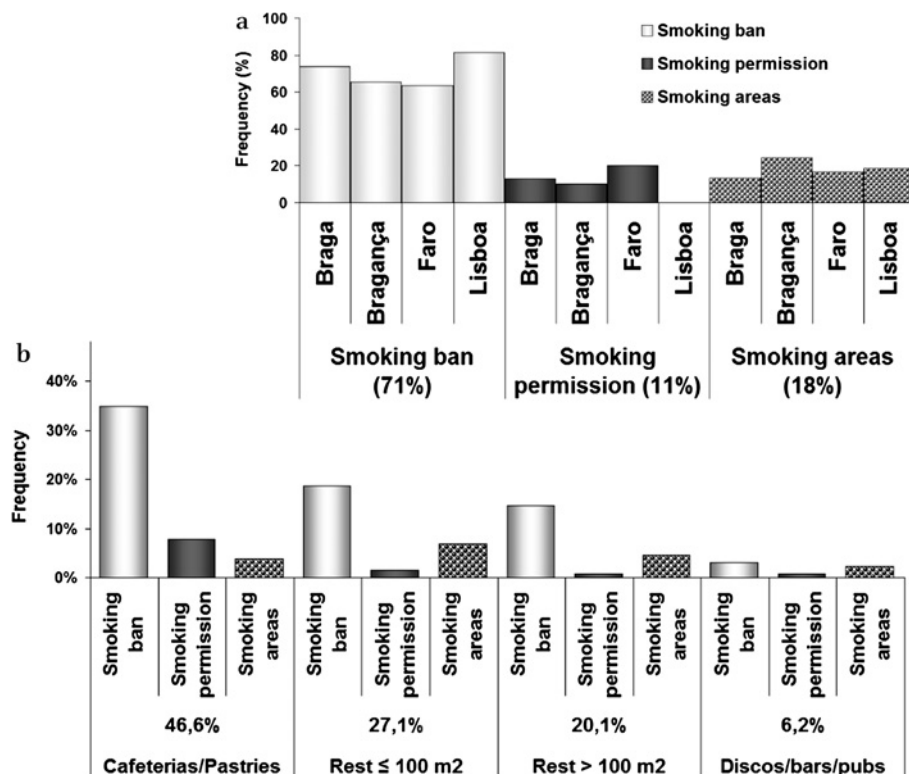


Figure 1 Comparative analysis of the options to regulate smoking in the leisure-hospitality sector: (a) globally and by locality; (b) by type of setting.

ated with non-compliance and without the benefits of effective protection of workers' and customers' health.

Although this is only a small exploratory descriptive study (a larger study is being developed), we argue that the study's findings highlight the need to raise awareness among decision-makers and public health advocates about both the importance of promoting amendments to the Portuguese 'smoke-free' law to create a comprehensive ban and implementing and monitoring effective smoke-free environments in the leisure-hospitality sector.

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REFERENCES

1. **Lei no 37/2007 de 14 de Agosto.** *Diário da República*, 1ª série—No 156—14 de Agosto de 2007. (In Portuguese).
2. **Kotzias D, Geiss O, Leva P, et al.** Impact of various air exchange rates on the levels of environmental tobacco smoke (ETS) components. *Fresen Environ Bull* 2004;**13**:1536–49.
3. **Lam T-H, Ho L-M, Hedley AJ, et al.** Secondhand smoke and respiratory ill health in current smokers. *Tob Control* 2005;**14**:307–14.
4. **World Health Organization.** Protection from exposure to second-hand tobacco smoke. Policy Recommendations. WHO, 2007. http://www.who.int/tobacco/resources/publications/wntd/2007/who_protection_exposure_final_25June2007.pdf (accessed 12 Jul 2008).
5. **Global Smokefree Partnership.** Global voices for a smokefree world: movement towards a smokefree future. 2007. http://cms.redbridge.gov.uk/environment_planning/environmentalhealth/smokefree_redbridge/smokefree_publications.aspx (accessed 9 Feb 2010).